IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

ROSETTA STONE LTD.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CIVIL ACTION NO. 1:09cv736
(GBL / TCB)

MOTION TO DISMISS

Defendant Google Inc. ("Google") moves to dismiss the Seventh Cause of Action alleged in Rosetta Stone's First Amended Complaint pursuant to Rule 12(b)(6).

The Seventh Cause of Action should be dismissed because the Communications Decency Act provides a complete defense to Google for claims predicated upon Internet publication of content created by a third party. In addition, the Seventh Cause of Action should be dismissed because it is barred be the applicable statute of limitations and Rosetta Stone has failed to allege the required elements of the claim.

This motion is based upon the accompanying memorandum of points and authorities, all judicially noticeable facts, as well as the pleadings, records and files in this action.

Respectfully Submitted,

GOOGLE INC.
By counsel

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of March, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following::

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